

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

CHELSEA MOORHEAD

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-CV-63-KHJ-MTP

SOUTHERN CHARM FAMILY
HEALTHCARE, LLC

DEFENDANT

ORDER

Before the Court is Plaintiff Chelsea Moorhead's Motion for Default Judgment. [9]. In her Complaint, Moorhead asserts a claim under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 207(a), for not paying unpaid, overtime hours and seeking compensation for those hours. [1], ¶ 37. But she moved for default judgment on her FLSA claim complaining of a different violation and seeking different relief. She complains of not paying regular pay, rather than overtime pay, and seeks liquidated damages rather than time and a half. [9], ¶ 10-12. The Court will allow Moorhead an opportunity to conform her motion for default judgment to her Complaint, or to amend her Complaint to allege FLSA violations related to the Defendant's alleged failure to pay regular pay, rather than overtime pay.

For those reasons, the Court DENIES Moorhead's Motion for Default Judgment without prejudice. Moorehead has 14 days to either file an amended motion for default judgment or amend her Complaint.

SO ORDERED AND ADJUDGED, this the 31st day of August, 2022.

s/ *Kristi H. Johnson*

UNITED STATES DISTRICT JUDGE